

FILED

JAN 17 2023

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA) CASE NO.: 1:20CV1234
ex rel. ANGELA PAOLELLA ALSHABANI, et al.,)
) JUDGE PAMELA A. BARKER
)
Plaintiff-Relators,)
)
v.)
)
MYOCARE NURSING HOME, et al.) <u>GOVERNMENT'S NOTICE OF</u>
) <u>ELECTION TO DECLINE</u>
Defendants.) <u>INTERVENTION</u>

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relators to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests

that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relators' action or claim.

The United States also requests that it be served with all notices of appeal.

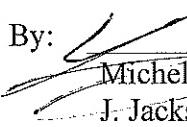
The Government requests, pursuant to 31 U.S.C. § 3730(b), that the relators' complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' non-public investigation, including its methods and thought processes for assessing relators' allegations, these submissions were provided under § 3730(b)(3) to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. *See id.* 3730(b)(2)-(3) (providing only for the unsealing of the *in camera* complaint).

A proposed order accompanies this notice.

Respectfully submitted,

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First Assistant United States Attorney

By:



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CERTIFICATE OF SERVICE

A copy of the Government's Notice of Election to Decline Intervention, along with the Proposed Order, was sent by regular U.S. mail this 17 day of January, 2023 to:

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